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MAILED

AUG 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Misslin, et al.	:	
Application No. 09/698,624	:	DECISION
Filed/Deposited: 27 October, 2000	:	
Attorney Docket No. 8964.72USU1	:	

This is a decision on the petition pursuant to 37 C.F.R. §1.182, filed on 28 June, 2011, to change the order of the names of the inventors.

NOTE:

The instant application was filed on 27 October, 2000.

Petitioner submitted the instant petition after mailing of the Notice of Allowance/Allowability and Fees Due (18 May, 2011).

Petitioner may find that his change in the data may not have been captured by the Office before Issue, and that may require Petitioner to submit a petition with fee(s) for Certificate of Correction.

The petition pursuant to 37 C.F.R. §1.182 is **GRANTED**.

The guidance in the Commentary at MPEP §605.04(f) provides, in pertinent part:

§605.04(f) Signature on Joint Applications - Order of Names [R-3]

The order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration. Care should therefore be exercised in selecting the preferred order of the typewritten names of the joint inventors, before filing, as requests for subsequent shifting of the names would entail changing numerous records in the Office. Since the particular order in which the names appear is of no consequence insofar as the legal rights of the joint applicants are concerned, no changes will be made except when a petition under 37 C.F.R. §1.182 is granted. The petition should be directed to the attention of the Office of Petitions. The petition to change the order of names must be signed by either the attorney or agent of record or all the applicants. Applicants are strongly encouraged to submit an

application data sheet showing the new order of inventor names to ensure appropriate printing of the inventor names in any patent to issue. It is suggested that all typewritten and signed names appearing in the application papers should be in the same order as the typewritten names in the oath or declaration. (Emphasis supplied.)

The petition herein is signed by Counsel herein Stephen C. Glade (Reg. No. 57,601), who seeks the following order of inventors: Anthony Ray Misslin, William Richard Cayo, David Eugene Stoltzmann, Barry Allan Fisher, Jack Leon Hendrickson, Neal Joseph Gieselman, Michael Raymond Guzik, Curtis Lee Kruse, John J. Jancsek.

The \$400.00 fee for the petition pursuant to 37 C.F.R. §1.182 was paid.

Office records are being corrected to reflect the change in the order of the named inventors. An updated filing receipt is enclosed. (Out of an abundance of caution, to ensure that the correction has been entered into Office records, the application is being referred to the Office of Patent Application Processing (OPAP) for review to ensure changes have been or are entered into Office records as to the order of inventors and the mailing of an updated filing receipt reflecting those changes consistent with this decision before the application is forwarded for further processing in due course.)

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.